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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,492	06/22/2001	Luis M. Ortiz	ORTIZ-1001	7719

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 12/17/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance  
With 37 CFR 1.192(c)**

**Application No.**

09/887,492

**Applicant(s)**

ORTIZ, LUIS M.

**Examiner**

MD S. ELAHEE

**Art Unit**

2614

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 09/29/2008 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☒ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
  - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet

/MD S ELAHEE/  
Primary Examiner, Art Unit 2614

Continuation of 9. Other (including any explanation in support of the above items): The content under the heading "SUMMARY OF CLAIMED SUBJECT MATTER" contained in the Appeal Brief filed on September 29, 2008 does not provide a sufficient summary of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, [see 37 CFR § 41.37(c)(1)(v).]

A Supplemental Appeal Brief that is in compliance with 37 CFR § 41.37(c)(1)(v) is required.

Further, a review of the file indicates that the appellants filed the Appeal Brief of September 29, 2008 using the format set forth in 37 CFR § 41.37(c).

Upon an in-depth review of the Appeal Brief indicates that the following sections are missing from the Appeal Brief of December 12, 2005: 1) "Evidence Appendix", as set forth in 37 CFR § 41.37(c)(1)(ix); and 2) "Related Proceedings Appendix", as set forth in 37 CFR § 41.37(c)(1)(x).

A Supplemental Appeal Brief that is in compliance with 37 CFR § 41.37(c) is required. For more information See United States Patent and Trademark website [www.uspto.gov](http://www.uspto.gov). in particular the web page entitled More Information on the Rules of Practice Before the BPAI, Final rule at: <http://www.uspto.gov/web/offices/dcom/bpai/fr2004/moreinfo.html>.